



Political Party Nominating Conventions

Can a political party decide which candidates will appear on a primary or general election ballot?

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Although political parties are free to hold nominating conventions and use other procedures to identify candidates the party wishes to advance in an election process, they cannot determine which candidates may appear on a primary or general election ballot. State law determines the process under which candidates may qualify for the election ballot. No court has held that political parties have the right to determine which candidates appear on the ballot through a nominating convention or through restrictions on the use of the party name.

This issue was specifically addressed by the Washington State Attorney General's Office in "Frequently Asked Questions on the Blanket Primary" issued December 24, 2003.

Q: Can the political parties choose, independently of the Legislature, the manner in which their candidates are nominated, such as by specifying how to conduct a primary or by nominating candidates by convention?

A: No, the political parties do not have complete discretion to determine the nominating process or to demand changes to a system adopted by the Legislature. The Supreme Court has held that states can require party nominations to take place by a primary, as opposed to through a convention or caucus system. . . . No court has held that if the state requires nominations to take place by primary that the parties have the right to choose precisely how the primary will be conducted.

If the Legislature determines that the primary should be a process for winnowing the field of candidates for the general election instead of using it to select party nominees, then the parties' rights are not implicated and the Legislature has greater latitude in designing the features of that process. **No court has held that political parties have the right to determine which candidates shall appear on the ballot through a nominating convention or through restrictions on the use of the party name,** although the Legislature could authorize these elements as part of the election system by statute. (emphasis added)

Q: Can the political parties hold nominating conventions absent legislation providing for such conventions?

A: Yes, but those conventions have no effect on determining which candidates appear on the primary or general election ballots unless the Legislature enacts a law giving convention nominations such effect. . . . State law does not currently provide for party nominating conventions to have effect as to these matters.

Political parties may hold nominating conventions and use other processes to select candidates the parties wish to support. State law, however, determines the process for selecting candidates that will appear on the primary and general election ballots.